REMARKS

Reconsideration of the application is requested.

Claims 17-34 remain in the application. Claims 17-34 are subject to examination. Claims 17 and 24 have been amended.

Under the heading "Claim Rejections – 35 USC § 103" on page 4 of the above-identified Office Action, claims 17-34 have been rejected as being obvious over U.S. Patent No. 6,608,910 B1 to Srinivasa et al. in view of U.S. Patent No. 5,157,268 to Spies et al. under 35 U.S.C. § 103.

Claim 17 has been amended to better define the invention and now includes the following limitation:

operating at least one of the image recording unit and the analytical unit:

in a first operating mode implementing a first image processing algorithm when said analytical unit determines that an acceleration threshold value is not exceeded; and

in a second operating mode implementing a second image processing algorithm that is faster than the first image processing algorithm when said analytical unit determines that the acceleration threshold value is exceeded, the second operating mode taking over on a basis of

positional data of a last measurement obtained in the first operating

mode.

Claim 24 has been amended to define a similar limitation.

Support for the changes can be found by referring to the specification at page

3, lines 1-5 and at page 7, line 34 through page 8, line 7, for example.

Srinivasa et al. teaches a computer vision and tracking method and apparatus

for recognizing and tracking occupants in a fixed space. In contrast to the

invention as defined by claims 17 and 24, Srinivasa et al. teaches using only a

single image processing algorithm (See Fig. 3 and column 5, line 6 through

column 6, line 67) and does not teach using an acceleration threshold value in

any way.

Spies et al. do not teach anything related to image processing algorithms.

With regard to the claimed invention, Spies et al. do not teach that a first image

processing algorithm will be implemented in a first operating mode when said

analytical unit determines that an acceleration threshold value is not exceeded,

and do not teach that a second image processing algorithm that is faster than

the first image processing algorithm will be implemented in a second operating

mode when said analytical unit determines that the acceleration threshold value

is exceeded.

The so-called two operating modes allegedly taught by Spies et al. beginning at column 4, line 26 simply relate to using a comparator 6 to determine whether the signal from the acceleration sensor 1 is greater than the signal from a reference value generator 5.

Spies et al. is concerned with using more than one evaluation channel to evaluate the signal from an acceleration sensor in a way ensuring that an air bag is only triggered when there is an actual crash or impact and not when there is only a short duration load acting on the acceleration sensor. A short duration load can arise from driving the vehicle over a curb or from the impact of debris, a hammer, or the drivers hand, for example (See column 1, lines 31-46 and column 4, line 26 through column 5, line 62).

Applicants respectfully point out that the Examiner has not provided any reason as to why one of ordinary skill in the art would have combined the two teachings.

Nevertheless, even if there were a suggestion to modify the teaching in Srinivasa et al. in view of the teaching in Spies et al., for some unknown reason, the invention as defined by claims 17 and 24 would not have been obtained because of the deficiencies in the teaching of Spies et al. discussed above and the deficiencies in the teaching of Srinivasa et al. discussed above.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 17 or 24. Claims 17 and 24 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 17 or claim 24.

In view of the foregoing, reconsideration and allowance of claims 17-34 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

/Laurence A. Greenberg/
Laurence A. Greenberg
(Reg. No. 29,304)

MPW:cgm

January 30, 2008

Lerner Greenberg Stemer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100; Fax: (954) 925-1101